

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GLYNN HARTT, individually and on behalf
of all others similarly situated,

Plaintiff

vs.

FLAGSHIP CREDIT CORPORATION,

Defendant.

CIVIL ACTION NO. 10-CV-00822(NS)

CERTIFICATION OF GLYNN HARTT

I, GLYNN HARTT, an adult individual, certify as follows:

1. I am the named Class Representative in the above action.
2. For over ten (10) years I have been employed at Stephen F. Austin University ("SFA") in Nacogdoches, Texas. SFA is a state affiliated university. I work in the physical plant department, sign shop.
3. My rate of pay is \$18.03 per hour. An issue came up at the Final Approval Hearing on April 13, 2011 concerning lost time from work that I took to come to Philadelphia for this case, and the value of the vacation pay used.
4. In my Certification dated March 30, 2011 (Doc. No. 42-15), I certified that I missed approximately 46 hours of work in connection with my three trips to Philadelphia (for my deposition, for mediation, and for Final Approval Hearing). At my hourly wage of \$18.03, I stated the time off cost me approximately \$829.00. *See id.* p. 3 of 3.

5. If I don't work, I don't get paid unless I use accrued vacation time. Although I was able to use vacation time for these trips and not suffer the out-of-pocket loss of pay in connection with each visit, the expenditure of vacation time has left me effectively without any remaining vacation time.

6. As a result of budget reductions by the State of Texas, SFA staff, including myself, has been advised by the university that there will be forced furlough. On April 20, April 22, May 27 and July 1, 2011, I will be furloughed without pay. This has been presented to me in a memorandum from the President of the university, Baker Pattillo, dated January 25, 2011. A true copy of the memorandum concerning the furloughs is attached to this Certification.

7. The memorandum provides that "furloughed employees classified by the university as 'exempt' will be allowed to expend vacation time for furlough days while furloughed employees classified as 'non-exempt' will be allowed to expend vacation and/or compensatory time." Because I spent my vacation days travelling as part of the lawsuit, I cannot use those vacation days so as to receive compensation for these forced furlough days. Although additional specific furlough dates have not been provided, I am advised by my supervisors that 4 or more additional furlough days can be expected after July 1 through the end of the calendar year 2011. Because I used up my vacation time, I will not receive compensation for these additional furlough days either.


8. I have requested to be reimbursed \$829.00 for my lost vacation time so I do not suffer the monetary loss that will result from my being unable to use my vacation time to replace the income lost from these forced furloughs.

9. I am also submitting a copy of a pay stub from check issued to me November 1, 2010. It reflects that vacation pay (at my rate of \$18.03 an hour) is accrued to me, and paid as part of my compensation. For example, this reflects that I had 22.5 hours of vacation time during this period at a total value (current earnings) of \$405.58. In other words, the paid vacation time is part of my compensation, just as my basic wage is.

10. If the requested \$829.00 reimbursement is allowed, this will no more than make me whole from the loss of paid vacation time that I used to travel to Philadelphia for this class case.

I certify under penalty of perjury the foregoing is true and correct.

Date: April 14, 2011



GLYNN HARTT

EXHIBIT “A”

Date: Tue, 25 Jan 2011 15:45:47 -0600
From: Baker Pattillo <bpattillo@sfasu.edu>
Subject: State Appropriation Reduction
To: allfacstaff-L@sfasu.edu
X-Mailer: Microsoft Office Outlook 12.0
Thread-Index: Acu82TmoL4hIGUwKTp203PtmCTJWLQ==

To: All Faculty and Staff
From: Baker Pattillo, President
Date: January 25, 2011
Subject: State Appropriation Reduction

Prior to the Christmas holidays I informed you that the state leadership had notified us that our current state funding appropriation would be reduced by 2.5% immediately. This reduction equals \$1,025,003 and impacts this year's current operations. This cut is in addition to the 5% reduction already made during the development of the 2010-11 budget. Together, these reductions equal \$5,043,398.

As you can imagine, making this new reduction in the middle of a fiscal year is challenging. Today, the SFA Board of Regents approved a plan to address this challenge.

The Board of Regents has authorized me to close the university and furlough leave-eligible employees on April 21, April 22, May 27, and July 1. This action will result in salary expenditure savings of approximately \$600,000. Only staff members are furloughed under this program as the nature of faculty contracts does not currently permit faculty furloughs.

Furloughed employees classified by the university as "exempt" will be allowed to expend vacation time for furlough days, while furloughed employees classified as "non-exempt" will be allowed to expend vacation and/or compensatory time. Furloughed employees without appropriate leave time accrued, or those who choose not to use leave time, will be placed on leave without pay status for these days. Personnel essential to the operation of the university required to work during the furlough days must expend four days of appropriate leave time prior to August 31, 2011.

More detailed information about this process will be posted on the Human Resources website in the near future.

The remaining reduction of \$425,003 will be addressed by the vice presidents on a divisional basis.

What I said in my message in December is still true today. I remain dedicated to limiting the effect these changes will have on the delivery of the academic mission of the University, and on the faculty and staff. However, there will be many difficult decisions made over the next several weeks and months, not only as we deal with the immediate reduction, but also as we prepare for the reductions that will be necessary in the development of our budget for the next fiscal year.

I remain confident that we will work through these issues and emerge from these challenges more focused than ever.

EXHIBIT “B”

Personal Info	Benefits	Payroll	Employment
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SITE MAP | HELP | HOME | EXIT

Check Stub History

Employer or Institution: 001

Check Issue Date	Employee Name	Employee Id	Total Earnings	Total Taxes and Deductions	Total Employer Contributions	Net Wages
11/01/2010	HARTT, GLYNN A	***-**-8958	1,746.64	579.09	558.89	1,167.55

Check or Direct Deposit Number	Form of Payment	Account Type	Amount
9759977	DIRECT DEPOSIT	CHECKING	1,167.55
			Total: 1,167.55

Accrual Balances: Vacation 3.50 Sick 4.50

Earnings

Pay Description	Hours Worked	Current Earnings	Year To Date Earnings
REGULAR SEMI-MONTHLY PAY	54.50	982.63	25,025.62
EMERGENCY LEAVE	0.00	0.00	432.72
EXTRA TIME PAY	0.00	0.00	1,677.34
HOLIDAY PAY	0.00	0.00	1,586.64
VACATION	22.50	405.68	2,881.20
FULL SALARY SICK LEAVE	11.00	198.33	1,649.76
FLSA COMP TIME TAKEN(1.0)	0.00	0.00	18.03
LONGEVITY PAY	1.00	160.00	1,760.00
Totals:	89.00	1,746.64	35,031.31

Employee Taxes

Description	This Check	Year To Date	Year To Date Taxable Gross
FICA	95.67	1,945.02	31,371.26
MQFE MEDICARE	22.37	454.88	31,371.26
FEDERAL WITHHOLDING	144.95	3,044.24	29,129.32
Totals:	262.99	5,444.14	

Description	Employee Deductions		Employer Contributions	
	This Check	Year To Date	This Check	Year To Date
AD&D-MF-SH	8.00	88.00	0.00	0.00
DB-MS-SH	22.46	67.38	0.00	0.00
DEP LIFE	0.69	2.07	0.00	0.00
HCR-R26 SE	50.00	150.00	0.00	0.00
HEALTH INS	118.17	354.51	324.80	974.40
OTHER DED	0.00	2,957.58	0.00	0.00